



TOWN OF FAIRFAX

STAFF REPORT

June 7, 2023

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk

SUBJECT: Introduce Ordinance Adding Section 2.65 to Title 2 of the Fairfax Municipal Code Authorizing the Use of Electronic Signatures

RECOMMENDATION

Introduce, waive first reading, and read by title only “Ordinance of the Town Council of the Town of Fairfax Adding Section 2.65 to Title 2 of the Fairfax Municipal Code to Authorize the Use of Electronic Signatures for Town Records”.

DISCUSSION

This ordinance will allow the use of an electronic signature in lieu of a manual signature to sign Town records. The mayor and vice mayor would also have authority to sign ordinances and resolutions electronically in lieu of a manual signature.

Allowing electronic signatures will increase flexibility and efficiency, as well as bring the Town into accord with numerous other local jurisdictions who have shifted to an electronic signature model. This action is also expressly authorized by Section 16.5 of the Government Code, which provides that an electronic signature shall have the same force and effect as the use of a manual signature.

If introduced tonight, the ordinance would be brought back for second reading and adoption at the Council’s next regular meeting, on July 12, 2023.

ENVIRONMENTAL CONSIDERATIONS

Approval of this Ordinance is exempt from California Environmental Quality Act (“CEQA”) review pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

FISCAL IMPACT

There is no significant financial impact associated with the Ordinance.

ATTACHMENT

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADDING SECTION 2.65 TO TITLE 2 OF THE FAIRFAX MUNICIPAL CODE AUTHORIZING THE USE OF ELECTRONIC SIGNATURES

WHEREAS, the Town of Fairfax, California (the “Town”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Town Council desires to allow the use of electronic signatures in lieu of a manual signature to conduct Town business; and

WHEREAS, an electronic signature is an electronic symbol affixed to a document that represents an individual’s acceptance or adoption of a statement or transaction; and

WHEREAS, the benefits of electronic signatures include, but are not limited to, reductions in the paper, time and costs associated with transmitting, approving and executing physical documents; and

WHEREAS, Government Code section 16.5 provides that an electronic signature shall have the same force and effect as the use of a manual signature.

NOW, THEREFORE, the Town Council of the Town of Fairfax does hereby ordain as follows:

Section 1. The above recitals are true and correct and are incorporated into this Ordinance by reference.

Section 2. Chapter 2.65 of the Fairfax Municipal Code is hereby added in its entirety as follows:

“CHAPTER 2.65 ELECTRONIC SIGNATURES

§ 2.65.010 – AUTHORITY.

For any town record that an individual is authorized to sign on behalf of the Town, that individual may affix his or her electronic signature to make an electronically signed record.

§ 2.65.020 – DEFINITIONS.

For purposes of this chapter, the following definitions shall apply.

“Electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. It is the electronic equivalent of a handwritten, wet, or manual signature on paper.

“Electronically signed record” is a record, file, or document, including an ordinance or resolution, that has been electronically signed by means of an electronic signature and that is related to the conduct of the Town’s official business.”

Section 3. This Ordinance shall take effect thirty (30) days after its adoption.

Section 4. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building, located at 46 Park Road.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 7th day of June 2023, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____ 2023, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chance Cutrano, Mayor

Attest: _____
Michele Gardner, Town Clerk